

Attorney Docket No.: JMP-0002
Inventors: J. Michael Pitale
Serial No.: 09/516,564
Filing Date: June 6, 2000
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REMARKS

Claims 1-3 are pending in the instant application. Claims 1-3 have been rejected. Claims 1 and 2 have been amended. Claim 3 has been canceled. Support for these amendments can be found in the specification at page 3, line 19-32 and claim 3, now canceled. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims 1-3 under 35 U.S.C. § 112, second paragraph

Claims 1-3 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner suggests that there is insufficient antecedent basis for the limitation of "the user" in claim 1. In addition, the Examiner suggests that it is unclear what is activating the security measures, the request or the alert signal. Further, the Examiner suggests that claim 1 is

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extremely broad and encompasses a cell phone calling 911 (an ATM alert system) which interacts with established software to allow a requested action.

Accordingly, in earnest effort to advance the prosecution of this case, Applicants have amended claim 1 by replacing the phrase "the user" with the phrase --a user--, thereby mooting any issues with respect to antecedent basis.

Further, Applicants have clarified in claim 1 that the alert signal activates security measures.

Applicants believe the amendments to claim 1 also make clear the scope of the present invention and its relationship to automated teller machine transactions and other security accesses. As made clear by the claim amendments, the system of the present invention requires first-time, and possibly second time entry of valid identification and/or entry of an alert signal. This system is clearly different from the 911 cell phone call suggested by the Examiner to be an "ATM alert system".

Withdrawal of these rejections under 35 U.S.C. § 112, second paragraph is respectfully requested in light of the amendments to the claims and the above remarks.

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II. Rejection of Claims 1-3 under 35 U.S.C. § 101

Claims 1-3 have been rejected under 35 U.S.C. § 101 as the Examiner suggests that the claimed invention is directed to non-statutory subject matter. In particular, the Examiner suggests that computer security protection is not a patentable invention and it is unclear where this invention is intended to be a system, method or apparatus.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended the claims to clarify that the invention is a system. Support for this amendment is provided throughout the specification. Thus, no new matter is added by this amendment.

Withdrawal of this rejection under 35 U.S.C. § 101 is respectfully requested in light of these claim amendments.

III. Rejection of Claims 1-3 under 35 U.S.C. § 102(b)

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Eisenberg (U.S. Patent 5,354,974). The Examiner suggests that Eisenberg discloses an ATM machine comprising a computer to receive identification, determine if the identification is from a user who is under duress and activate an

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alarm if it is an alert identification. Further, the Examiner suggests that Eisenberg discloses identification is a PIN number and that the system can require two forms of identification.

Claims 1-3 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Zingher et al. (U.S. Patent 5,731,575). The Examiner suggests that Zingher discloses an ATM machine comprising a computer to receive an identification, determine if the identification is from a user who is under duress, and activate an alarm if it is an alert identification. The Examiner suggests that Zingher also discloses that identification can be a PIN number and that the system can require two forms of identification.

Applicants respectfully traverse these rejections.

At the outset, it is respectfully pointed out that the pending claims have been amended in accordance with teachings at page 3 to clarify that the system of the present invention requires first-time entry of valid identification, a determination whether second-time entry of a valid identification is required and, when required, second-time entry of valid identification, and/or entry of an alert signal.

Teachings of Eisenberg and Zingher cited by the Examiner as requiring two forms of identification are different from the

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system of the present invention. In both the Eisenberg and Zingher, the first step of entry of identification to which the Examiner is referring merely allows initial access to the computer system. In the present invention, this step is part of the established software or initiation process and is not included as one of the identification entry steps in the system of the present invention. See specifically Figure 1, and teachings at page 2, lines 32-34.

Further, neither Eisenberg nor Zingher teach or suggest a system which determines whether second-entry of identification is required.

Thus, the claims as amended are clearly distinguishable from teachings of either Eisenberg or Zingher. Since neither cited reference teaches all the elements of the claimed system as required by MPEP §2131 to anticipate the claimed system, withdrawal of these rejections under 35 U.S.C. § 102(b) is respectfully requested.

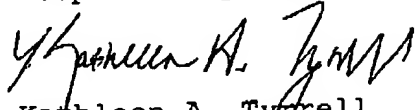
IV. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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